WANTSBATTERYDANREMOVED

EXCISE COMMISSIONER SAYS HE BURKED EXCISE CASES.

Appellate Division Asked to Retire Him From the Bench-Magistrate Finn Has Been Disabled by Illness for Months -Had His Own Ways on the Bench

State Excise Commissioner Maynard H. Clement has asked the Appellate Division of the Supreme Court, First Division, to remove City Magistrate Daniel E. Finn from the bench. The Commissioner charges that Battery Dan has wilfully, unlawfully and fraudulently discharged many prisoners in cases of excise law violations and thus has shown himself incompetent.

The Commissioner cites 132 excise ages thrown out of court by Magistrate Finn between April 19 and October 25, 1909, and charges that in each of these cases the evidence was sufficient to warrant holding the defendant for trial at Special See

Frederick W. Steele, the Excise Department attorney who has charge of the proceedings against the Tammany leader. stimated yesterday that the other Magistrates hold excise prisoners in about 60 per cent. of the cases. Magistrate Finn, it was said, dismisses about 95 per cent. of the excise cases that come before

The Excise Department has been on Battery Dan's trail for almost a year. Gen. Bingham, when he was head of the Gen. Bingnam, when he was head of the Police Department, objected to the Magistrate's treatment of police witnesses, and the General and Battery Dan had a war of words in which the General expressed curiosity to know if Daniel E. Finn. City Magistrate, was the same Finn whose name had appeared in years gone by on police station house blotters as that of a prisoner.

by on police station house blotters as that of a prisoner.

It was through cooperation with the Police Department that the excise people obtained the evidence on which they ask for the Magistrate's removal. The Police Department had stenographic minutes taken of the testimony in all excise cases and thus Commissioner Clement has a complete record to place before the court. The police court stenographers as a rule don't take testimony unless requested to-do-so by the Magistrate or one of the parties to the case.

Notice of a motion in the proceedings against the Magistrate was filed in the Appellate Division a few days ago and Lawyer Stelle said yesterday that a copy of the charges, with the other necessary legal papers, was left at the Magistrate's house, at 569 Broome street. The excise Department's process server was not able to get to Battery Dan personally. He was too sick, the Magistrate's family told him. Another copy of the charges was put in the hands of the Sheriff with instructions to serve them on the Magistrate, but apparently the Sheriff has been unsuccessful.

At Battery Dan's house they said yes.

trate, but apparently the Sheriff has been unsuccessful.

At Battery Dan's house they said yesterday that he was convalescing, but that he was not well enough to see strangers. He has been ill for several months and has not been in court since last October. The Magistrate's Tammany friends say that he is in a very bad way and that he isn't allowed even to see them.

The Excise Department folks said they didn't know whether the Magistrate was seriously ill or not. They had heard that he went out for a drive frequently and under the circumstances they decided to proceed with the case.

At Battery Dan's home it was said further that no copy of the charges or other papers in the case had been left there. Judge Finn has not been served with any papers, knows nothing about the case and will pay no attention to it." was the announcement made at the house.

But the excise people say they left a copy of the charges here.

It's a liet no papers have been left there? said the woman who spoke for the Magistrate.

A record of the discharged excise cases

In Essex Market Court, April 19—Jacob Indians and negroes in Martinique and Present, 25 Hester street: Edward Tankey, the hyenas of Messina and Palermo." 270 South street. Samuel Schaff, 726 East Minth street: Vincenzo Sablo, 56 Goerck street; James McKenna, 33 Broome street, and Edward J. Leonard, 31 Bowery. April 21, Herman Miller, 259 South street. April 24, Benjamin Silverman, 74 Delancey street. April 25, Kate Mandelbaum, 38 Pitt street: April 29, Jacob Himmel, 115 Riving-ten street: Robert Langdon, 323 Broome street: Samuel Precker, 190 Norfolk street: Harris Shapiro, 153 East Houston street; David Wasser, 242 East Third street, and Michael Sullivan, 117 Bowery. April 30, Norris Plopinger, 44 Attorney street; Max Caron, 52 Broome street; Berrine Shebert, 163 Rivington street: Joseph Korber, 119 Broome street: Herman Fisher, 6 Jackson street: Frank Buchanan, 79 Peck slip. Bronx Court—May 9, Bernard Katz, 420 East 164th street. May 10, George Gunther,

9 East 133d street. Jefferson Market—May 13, Gerald Coogen, way. May 14, George Marmann, 371 West street. May 17, Henry Becker, 156 Thir-461 Seventh avenue.

Say the charges referring to the 132

Say the charges referring to the 132 cases:

"The evidence presented in each of the cases showed that a crime had been committed and that there was sufficient cause to believe the defendant guilty and each should have been held for trial at the Court of Special Sessions."

The papers declare further that Magistrate Finn in failing and refusing to hold the defendants for trial failed properly to perform the duties of his office and did "wilfully, wrongfully, unjustly, unlawfully and fraudulently" discharge them.

them.

The Commissioner charges further that the Magistrate exhibits an unwarranted, unjust and unlawful hostility to the enforcement of the provisions of the liquor tax law, also a corrupt interest. The Commissioner says all these things render him incompetent.

The proceedings are begun under section 1401 of the City Charter, which says that a Magistrate may be removed after due notice and a hearing before the Appellate Division. The motion is to be argued before the Appellate Division on February 18.

to be argued before the Appendix on February 18.

Battery Dan was appointed a Magistrate by Mayor McClellan in 1905. He had been one of the Tammany old guard and a leader of the First Assembly district for many years. He was made a lawyer by a special act of the Legisla-

Here is a quoted sample of Battery

"Here is a quoted sample of Battery Dan Finn's remarks to some policemen who had got evidence against bartenders:
"You have the audacity to stand there and admit that you induced this man to violate the law?" he said to Policemen Roon and Hale of the Church street station. The cops grinned.

"Oh, it's funny, eh? Funny to go into this place and get this man to commit a crime? That's the police work, is it? You ought to be ashamed of yourselves. Get out of here! Get out of this court quick! This defendant is discharged."

Battery Dan's friends said yesterday that in all of his decisions in excise cases he gave the accused saloonkeeper the benefit of the doubt. He believed that most of the cases brought before him resulted from plots to blackmail the saloonkeepers.

most of the cases brought before him resulted from plots to blackmail the saloonkeepers.

For eastern New York and New England, unsettled weather with rain or snow for-day and probably to morrow; colder to morrow; moderate to brick south and southwest winds.

For western New York, western Pennsylvania and Ohio, rain or anow and colder to day; mow flurries and colder to morrow; moderate south and the state of the saloonkeepers.

MORROW.

For eastern New York and New England, unsettled weather with rain or salow and probably to work and southwest winds.

For western New York, western Pennsylvania and Ohio, rain or anow and colder to day; mow flurries and colder to morrow; moderate southerly winds.

For the District of Columbia, eastern Pennsylvania, New Jersey, Delaware, Maryland and Virginia, unsettled weather with rain to-day; parily winds.

PLOT IN MANAGUA FRUSTRATED BIG ROOSEVELT HOMECOMING Madriz Talks of Captured Estradists, bu

Bluefields Still Claims Victory. Special Cable Despatches to THE SUN. MANAGUA, Feb. 8.—According to official information the Government learned a few days ago that a plot was on foot to capture a steamer that was to convey a cargo of arms and ammunition to the Government troops now at Tipitapa, and

steps were immediately taken to frus-Last Sunday night the steamer Managua was lying alongside a wharf with steam up ready to proceed to Tipitapa when those on watch noticed a number of men beginning to gather on the wharf, apparently with the intention of seizing the el. Unfortunately the troops who had been detailed to capture the conspirators did not wait for some overt act, but prematurely charged the crowd from a nearby building where they had been concealed.

The conspirators saw them coming and took to their heels. They were fired on, but apparently none of them was hit, for all escaped with the exception of a few who were outrun by their pursuers.

A number of former Government soldiers who had been serving with the rebels, who surrendered to Gen. Vasquez, the Government leader, at the battle of Santo Tomas, have been brought here. They joined the rebels after the Government defeat at Rama, but only served in the revolutionary ranks until a good opportunity presented itself of rejoining who will assist Mr. Morris in selecting the Madriz forces. They will probably the committee, went to Washington yesthe Madriz forces. They will probably be again enrolled in the Government service.

BLUEFIELDS, Feb. 8, by wireless to Colon. The latest courier from the front, who has arrived at Muelle de lez Bueyes, confirms the report of Gen. Mena's sweeping victory over Government troops at Las Caritaz and Santa Clara.

The reports that reach the outside world from Managua telling of victories absolutely falsé.

Gen. Chamorro is now beyond Boaco, en route to Managua, forty-two miles distant. Gen. Mena is holding the Government troops effectively in check at Santo

THREATENS SOCIALIST SPLIT. But It Is Not Really Expected That Herve Will Leave the Party.

Special Cable Despatch to THE SU NIMES, France, Feb. 8.-The political interest in the socialist congress here is limited to the question as to what attitude the socialists will take in the next general elections and their stand in regard to old age pensions.

At yesterday's session Jean Jaurè and his followers carried the day. Prof. Hervé, the anti-militarist, and a majority of his section of the party were furious. They said they had "become the tail of radicalism' and threatened to quit the

This threat is received with scepticist by the other delegates to the congress. After a heated oratorical battle between M. Luquet, ex-Secretary of the General Federation of Labor, and M. Jaurès the Congress adopted a resolution in favor of supporting the old age pension bill. The motion was carried by 193 votes. The revolutionists' posal received 156 votes.

GERMAN HATRED OF FRANCE. Bitterness Comes Out in Refusals to Aid

Special Cable Despatch to THE SUN BERLIN, Feb. 8.—The jingo newspapers Berlin, Feb. 3.—The jingo newspapers are trying to dissuade Germans from contributing to the relief of the sufferers by the floods in France. The Newsets attery Dan is charged with "wrongfully d unlawfully" discharging the pris-Nachrichten, after declaring that it would while we have provided for hungering

> The Rhenish Gasette regrets that many Germans are suffering from French fever. Nothing, it says, has happened in France which does not happen every two or three years in the valleys of the Rhine and its tributaries, yet the French never offer a penny to help the sufferers

The Taegliche Rundschau makes similar complaint.

HELD UP "CHANTECLER." cene Shifters Extert a Raise of Wages Between the Acts.

Special Cable Despatch to THE SUN. declared a strike at the Renaissance Theatre on February 1 visited Manager Hertz of the Porte St. Martin Theatre after the first act 'of "Chantecler" tonight and demanded that the scene shifters' pay be raised from 20 cents to 50 cents teenth avenue; Salvatore Andriola, 104 a night, threatening that otherwise the men would quit. M. Hertz was forced to comply with the

SPANISH-FILIPINO BANK.

New President Chosen to End Strife in Institution Under Church Control.

Special Cable Despatch to THE SUN.

MANILA, Feb. 8.—At a meeting of the stockholders of the Spanish-Filipino Bank to-day John S. Hord, formerly collector of internal revenue, was elected president by a practically unanimous vote. There has been considerable factional strife among the bank people for some time and it was decided a few weeks ago to elect Mr. Hord in order to put an end to the trouble.

Archbishop Harty and the religious orders control the stock of the bank.

The Weather.

Feb. 9.—The temperature rose yesterday over all parts of the country east of the Rocky Mountains and from the Gulf to Canada, except in northeastern Maine and the maritime provinces. It was warmer in Wyoming and Utah and colder in Montana, Idaho and western Canada.

There were centres of high pressure over the south Atlantic States and the Northwest, while depressions covered the upper Lake regions and

the Southwest.
Light snow fell in northern Maine and in Wyoming and there was rain in the south Atlantic and east Guif States. In the lake regions and eastward to the Atlantic coast it was cloudy. In this city the day was parity cloudy and warmer: wind light southwest to southeast; average humidity 84 per cent.; barometer, corected to read to sea level, at 8 A. M., 30.30; 3 P. M., 30.28.

3 P. M., 30.28.

The temperature yesterday, as recorded by the official thermometer, is shown in the annexed

WASRINGTON FORECAST FOR TO-DAY AND TO-MORROW.

HE AUTHORIZES THE REPUB-LICAN CLUB TO GO AHEAD.

And the Ciub Proposes to Invite All Other States to Join New York in the Demonstration-No Details Settled Yet National Committee to Be Named.

until about the middle of June, but already preparations have been begun in this city to welcome him home. It is the purpose of those who are beginning to think out but national one. No attempt has been made yet to consider details, but it has been determined that delegations from Republican organizations and clubs from all parts of the country shall be asked to join in the celebration.

Robert C. Morris, president of the Republican Club of this city, said last night that a communication had been sent to Mr. Roosevelt relating to the proposed celebration and that a cable reply had been received authorizing the club to take the initiative in the matter. Mr. Morris said that he would shortly appoint a committee to arrange the details for the reception to Mr. Roosevelt, and he added that the makeup of this committee would be national.

John E. Stewart, president of the New York State League of Republican Clubs, only represent the league but the Republican Club, and he will meet the President by appointment to-day. It is understood that President Taft has already been told

of the intention to celebrate the homecom-ing of Mr. Roosevelt and that he is heartily in accord with the proposal. It is under-stood further that the President will give by the forces of President Madriz are his heartiest support to the carrying out of the scheme to make the reception a nationwide one.

It was said last night that Mr. Roose

It was said last night that Mr. Roosevelt would probably be asked to make a tour of some of the big centres of the country, but Mr. Morris said he had heard nothing of this proposition, because no details had as yet been considered and that every plan suggested would necessarily be sent to the committee.

It is doubtful if President Taft will be able to take part in the affair. He has promised to go to Alaska in the latter part of May should Congress have adjourned by that time, and the schedule which has been arranged for him would not bring him back East until the early part of July.

Washington, Feb. 8.—John A. Stewart, president of the League of Republican

Washington, Feb. 8.—John A. Stewart, president of the League of Republican Clubs of New York, called at the White House to-day when the Cabinet meeting was under way and he failed to see the President. Secretary Carpenter arranged the meeting for to-morrow.

Mr. Stewart explained that he had exchanged cablegrams with Mr. Roosewelt and consulted with some of the friends of the ex-President in New York and had learned that it would be agreeable to him to be received provided it could be arranged on the day of his arrival in New York.

"Before Col. Roosewelt sailed for Africa," said Mr. Stewart. "and while aboard ship, he was asked to permit arrangements to be made for his homecoming in the way of something like a popular welcome.

be made for his homecoming in the way of something like a popular welcome. The former President did not refuse the invitation, but said that he preferred to keep the matter in abeyance for a while. "About five weeks ago I called at the White House to tell President Taft that, acting for a proposed committee from the Republican Club, which committee is about to be appointed by President Robert C. Morris of the club, as well as for those who aboard ship had asked ex-President Rosevelt to assent to a reception being given, a telegram was about to be sent to the former President asking him to permit us to arrange for a national reception

us to arrange for a national reception to take place on his return.

"President Taft was the only person to whom it was made known that a favorable reply had been received. Upon the occasion of my first visit to the President had to me to go sheet by all means and he told me to go ahead by all means, and to 'count me in.' Just before cabling I

he told me to go ahead by all means, and to 'count me in.' Just before cabling I received a letter from Col. Roosevelt, and his cable informed me that he had written at length with regard to the matter of his reception. which he wished to take place the very first day of his arrival.

"No arrangements have, of course, as yet been perfected, and I have only a vague notion of just what sort of a programme will be arranged. In a general way I should say that the welcome will be simple and dignified and no attempt will be made at elaborate display, but rather to afford an opportunity for America to welcome a former President. Full details of the reception, as Col. Roosevelt requests, will be forwarded to him at Khartum, and it is likely that a special committee will meet Mr. Roosevelt in London and perfect arrangements. It is expected that Col. Roosevelt will arrive on some date between June 15 and 21.

"The reception, of course, will be national in its scope and entirely non-political." Mr. Stewart was plied with questions by reporters as soon as his plan was unfolded as to who would be on the committee. He said that the affair was being arranged with a view of forestalling any sensational stories that it was a movement to nominate Roosevelt for President in 1912.

President Taft will not be expected to

in 1912.
President Taft will not be expected to President Taft will not be expected to join the crowd and go down to the pier to shout or to get on a revenue cutter and board the incoming steamer. If he consents to lend his presence to the affair he will be escorted to a reviewing stand and await Mr. Roosevelt there. Such inquiries as to whether Gifford Pinchot or Secretary Ballinger would be on the reception committee were brushed aside by Mr. Stewart, who appeared to be thoroughly in earnest over the matter.

Berlin, Feb. 8.—According to some of the newspapers the Kaiser intended to receive ex-President Roosevelt in April with the honors usually accorded to a ruling sovereign, but he has abandoned this intention at Mr. Roosevelt's expresswish.

He will accordingly be received as a private person of great distinction.

MAD DOGS IN 30 COUNTIES Campaign of Quarantine in Western On-

tarle-Serious Loss of Live Stock. TORONTO, Feb. 8.—Margaret Hanna, daughter of W. J. Hanna, Provincial Secretary of Ontario, who was bitten by a dog yesterday at their home in Sarnia, left this afternoon for New York, where she will take treatment at the Pasteur Institute.

Mr. Hanna had just concluded an address to the Ontario Legislature upon

address to the Ontario Legislature upon the prevalence of rabies all over western Ontario when a messenger handed him a telegram telling him of his own daughter having been bitten.

The question was brought up in Parliament because of an order by the provincial and Federal authorities compelling all dogs in thirty counties of western Ontario to be tied up, muzzled or shot until the outbreak has disappeared. It is estimated that 200 mad dogs are at large. Since the first outbreak of the disease at Queenston through the visit of a dog from the United States in May, 1907, forty-two persons, of whom half were children, have been bitten by dogs supposed to be mad. Sixty-three cattle, one horse, six sheep and thirty swine have died from rabies.

At present there are four persons from Ontario in the Pasteur Institute in New York. Two of these are from Strathray and two from Breskon. Those in charge at the institute refused to give the names of the four.

All are doing nicely and will be able to leave the institute wthin three or four days, it was mid.

MUZZLE FORTHE INDIAN PRESS. Government Offsets Drastle Law by Release of Men Deported for Sedition.

Special Cable Despatch to THE SUN.
CALCUTTA, Feb. 8.—The Legislative Council, including the new native members, who were admitted under the recent act of Parliament, passed to-day the bill for governmental control of the press. Two natives opposed the measure, while ome others criticised it and submitted Ex-President Roosevelt will not be back numerous amendments, of which thre were adopted.

After the passage of the bill the Earl of Minto, the Viceroy, astonished the Council by announcing that the Government the plans to make the event not a local had decided to release the State prisoners who were deported fourteen months ago in connection with the seditious movement. He said the adoption of the bill justified the Government's confidence that the enlarged representation of the Indian communities in the Council would strengthen the British administration.

lieved the political position was entirely British and Indian communities, and that & Co. after conferring with Mr. Keene it could only be exterminated by the co- Lathrop, Haskins & Co. would pay for all operation of both.

It was to encourage this cooperation and to remove soreness that the Government would release those who had been deported, intending to prove it was willing to trust the influential classes in India and to rely upon their help. It was probable terday for the purpose of conferring with that further outrages would occur, but pool. President Taft. Mr. Stewart will not the Government was prepared to repress anarchism vigorously.

The Indian Councillors heartily applauded the release of the deported men.

sh Dancer's Son Quits Because Court -Refused Delay.

LONDON, Feb. 8 .- Ernest Henry Jean-Baptiste Sackville-West, who claimed the title and estates of the late Lord Sackville, former British Ambassador at Washington, on the ground that he was the legitimate son of the late diplomat and Pepita, Spanish dancer, has withdrawn his petition asking that the present holder of the title and estates, a nephew of Lord Sackville, be ousted.

The petitioner last week through his awyers asked for an adjournment order that he might go to Spain and secure additional evidence. The adjournment was refused and the petitioner then ordered his lawyers to withdraw from the case. At the last hear-

ing he acted as his own lawyer. When the case was called to-day Sir John Bigham, Presiding Judge of the Proevidence had been refused he wish

The court reserved its decision

THREATEN CUBAN REVOLUTION. ers Resent Persecution-Gomez Regime Called Worse Than Palmas.

party's organ, failed to appear when the case against him for fibelling President Gomez-was called in court this afternoon. taken to the woods.

La Lucha, the newspaper which was most influential in instigating the revo-cancellation of all orders had secured the lution of 1906, warns President Gomez cancelling of the last 300 share order. This editorially that the country will not stand was at first denied by Mr. Criss, but subsetyranny. It declares that his administration is much worse and more incompetent than was the late President Palma's All the newspapers, with the exception of El Triunj., which is a Government organ, continue to fill their columns with attacks on the Government for its persecution of the press. They also attack firms except as to whether Rollins & Co. the press muzzling bill introduced in cancelled in time the orders for the last the press muzzling bill introduced in Congress by Speaker Ferrara. The negroes are making the prosecution

of Estenoz a race question.

-New British Election in Summer.

the policy the Government ought to fol-low on the meeting of Parliament on February 21. The moderates contend that it is essential that the budget be handled first; the extremists insist that the question of the House of Lords' right of veto is the

paramount issue.

Pending the meeting of the Cabinet on but the newspapers of all parties print statements this morning, apparently from inside sources, that the budget will have

This information is coupled with the prediction that there will be another election this summer. The assumption apparently is that the House of Lords will dealing with the constitution of the House, and the Government will then appeal to

RAILROAD TO EDEN.

Buitt to the Oasis of Hartlah. Special Cable Desputch to THE SUN.

gauge railway is to be constructed to the site of the Garden of Eden, which Sir William Willcocks, British adviser to the Turkish Ministry of Public Works, thinks he has located. According to Sir William's measurements the homestead of Adam and Eve was situated in the Harilah district, about 250 kilometers north of in the centre of a vast desolate plain which is traversed by four arms of the Euphrates.

BRITISH MINISTER OF DEFENCE. Government Plans Unification of Military

Special Cable Despatch to THE SUN.
LONDON, Feb. 8.—The World is authority for a statement to the effect that the Government is contemplating the estab-lishment of a new office, that of Minister of Defence.

gency the fighting arms of the services might be betterable to perform their duties under one supreme chief. who would have charge of all the branches. the approval of some of the highest naval and military authorities.

IR and lots of it. The Marbridge is built on air lines-surface lines, subway lines too.

Representative on premises. Or your own broker.

Continued from First Page.

office up to the amount of his pool subscrip-tion, as allotted to him by the pool manager, purchases, and shortly thereafter Mr. Keene would order the division of the stock among the subscribers, each one receiving his share, to be carried for account of the pool on written orders from Mr. Keene. Up to January 19 no pool subscriber had yet received the full amount of stock he had agreed to carry for the

of specialist in Hocking Coal in November, 1909, had an interview with Mr. Keene in the presence of Mr. Haskins. Mr. Criss states he was assured of the safety of the business, he obtained a guarantee of a certain amount of business, a promise of immunity from certain losses and he received from Lathrop, Haskins & Co. a check for \$25,000 as security for any contracts he might make for them

First-Lathrop, Haskins & Co. gave out orders, good till countermanded, to J. M. Fiske & Co., Day, Adams & Co.; Rollins & Co. and A. J. Elias & Co. to buy certain named amounts of the stock at named prices, all on a down scale. Naturally all these firms placed these orders in their own names with the only specialist in Hocking Coal, Hugh F. Criss.

Second-Prior to January 19, 1910, Mr. Criss had been given orders daily by Lathrop, Haskins & Co. 10 buy the stock on a down scale, and if sny was bought he was to give up J. M. Fiske & Co., Day, Adams & Co.; Rollins & Co. or A. J. Elias & Co. at his discretion, but generally to

On January 19 the following orders from Lathrop, Haskins & Co., all good till countermanded, were on the books of the following firms

orders to Mr. Criss in their own names. On January 19, before the opening, Lathrop, Haskins & Co. gave to Mr. Criss orders to buy 200 Hocking Coal at 88%, and 200 shares each % down, with no instructions when to stop buying. Mr. Criss was to give up any of the four firms before out without any atthorization at any time

Haskins & Co. or to Mr. Criss. During the break in the price of the stock, which became a panic before noon, Mr. Criss bought all the stock for which he had direct orders from Day, Adams & Co. A. J. Elias & Co. and Rollins & Co. stock bought on their own direct order A. J. Elias & Co. accepted and paid for 700 shares, but rejected a reported purchase of the last 300 shares of their own direct orders on the ground that their attempted their own direct orders, which orders they conclusively proved they had cancelled with Mr. Criss in time. This leaves no

mentioned firms at discretion, Mr. Criss bought and reported as follows (omitting J. M. Fiske & Co., who accepted everything):

All of these firms rejected the above reports. The testimony as to how promptly the reports were rejected was somewhat conflicting. To your special committee it appears that as the firms above mentioned gave out none of these orders, had author-ized nobody to use their names and had no knowledge that their names were to be used they were justified in rejecting the reports unless the firms by some act of their own obligated themselves to take the

stock reported. *
The following appear to be the facts in

who received the telephone messages wrote over the telephone and answered back that Day, Adams & Co. knew nothing about them. Then word came from the exchange parently is that the House of Lords will that they were for account of lathrop, reject any bills the Government sends it Haskins & Co., which the clerk wrote on the same slips of paper. Mr. Adams saw these slips and at once telephoned to their telephone clerk in the exchange to return to Mr. Criss his original reports, which had remained in Day, Adams & Co.'s telephon went to the exchange and instructed his partner, Mr. Clarke, to see that the written reports of Mr. Criss were returned to Mr. Criss. Mr. Clarke and the telephone clerk at the exchange both testify that the reports were returned to Mr. Criss. Upon Mr. Adams's return to his office be found Mr. Adams's return to his onice he found that another clerk had seen the reports (as written down by the telephone clerk) for account of Lathrop, Haskins & Co., and in ignorance of the action of the firm in relation thereto had sent a written report to the control of the purchase of Lathrop, Haskins & Co. of the purchase of 800 shares for their account. This clerk had sent a messenger to get the report back within fifteen minutes of its delivery but had not secured it. On Mr. Adams receiving this information the firm at once sent a senior clerk to request its return, which Mr. Haskins refused under advice of

A clerk of A. J. Elias & Co., without the A clerk of A. J. Elias & Co., without the knowledge of the firm, reported by telephone to Lathrop, Haskins & Co. the purchase of 200 shares at 36% and 200 shares at 35%, bought by Mr. Criss on Lathrop, Haskins & Co.'s order. Mr. Elias promptly rejected the reports and endeavored to return them to Mr. Criss. Mr. Criss was not on the floor; they were sent to the office of Mr. Criss. He was not there; they were again taken to the exchange. Mr. Criss Saks & Company

Broadway at 34th Street

ANNOUNCE, BEGINNING THIS MORNING.

A Sale of High-Grade

Suits & Overcoats for Men

Formerly

\$20, \$23, \$25 & \$27

at \$17

Including in the assortment a representation of each of the distinctive models produced by our designers for the current season.

The fabrics embrace a widely varied showing of plain mixture or novelty effects in the most favored materials.

ASTOR PLACE AND FOURTH AVENUE 6,000 Pairs Men's Socks

At 25c

Values 50c, 75c and \$1.00

A goodly number from our regular stock; the balance, manufacturers samples and small lots. Embroidered figures, silk clocks, stripes and twotone effects. Fine Cotton, Lisle-thread and Silk-lisle. Plenty of plain colors. Sizes 91/2 to 111/2.

If you need a Suit to piece out the season, this news ought to be interesting: A quantity of sturdy worsted Mixture Suits have slipped down to \$15, \$18 and \$20.

ESTABLISHED OVER HALFA CENTURY

of Mr. Criss, together with subsequent ones, were rejected by Mr. Rollins promptly and returned to Mr. Criss. Whether there were any acts of ratifica-

 $^{\textcircled{B}}$

tion is a question upon which the parties take conflicting positions. The acts relied upon by Mr. Cries as constituting such rati-fication differ in the several cases, but it may be said generally in respect to all of them that the evidence shows that any such acts were performed not by any member of any of the firms, but by clerks

or subordinates without the actual knowledge of the firms themselves.

No doubt the authorities of the Stock Exchange may determine such questions in certain proceedings which they are authorized by the constitution to conduct. Truits, and serve as a medium for inunder the rules or in passing upon claims of members filed against the proceeds of a membership sold under the rules; but a general power to decide upon its own initiative questions of legal liability arising between members of the exchange, involving, as they frequently must, the rights of customers or other non-members, presents complications. The business transports the members is regulated. acted between the members is regulated by the rules of the exchange, which are binding upon them; and if such transac-tions become the subject of judicial inquiry these rules are regarded by the courts as

constituting the custom according to which the business is done.

The exchange can, indeed, take cognizance of any infraction of the rules constituting moral turpitude or conduct incon-sistent with those principles of honor and integrity the maintenance of which is a

part of its objects.

An inquiry having this for its purpose may always be directed by the governing committee, and in a proper case it is its duty to do so and to decide all such ques-

ions as presented. Having in view the discharge of this duty, your committee reports that in its opinion the conduct of Day, Adams & Co., Rollins & Co. and A. J. Elias & Co. in reject-

Rollins & Co. and A. J. Elias & Co. in rejecting the reports in question and disclaiming responsibility for the transactions reported thereby was fully warranted by all the rules and practices of the exchange and that the members of said firms are subject to no just criticism therefor.

Lathrop, Haskins & Co. accept responsibility for all purchases made by Mr. Criss, and J. M. Fiske & Co. accept responsibility for all purchases reported to them by Mr. Criss. It appears to your committee that Mr. Criss for his firm is responsible to all sellers for all his purchases which have not been accepted and paid for by have not been accepted and paid for by others, and the claims of his firm are against others, and the claims of his firm are against Lathrop, Haskins & Co. If any of the selers to whom he gave up the name of J. M. Fiske & Co. choose voluntarily to accept the responsibility of J. M. Fiske & Co. and release Mr. Criss that is their affair.

The use by Hugh F. Criss on January 19 and 20 of offensive language in relation to the acts of Day, Adams & Co., A. J. Elias & Co. and Rolling & Co. was not warranted

& Co. and Rollins & Co. was not warranted by the facts and merits severe condem-

or the laces and the stock Exchange firms in the acts of the Stock Exchange firms in subscribing to the Columbus and Hocking Coal and Iron pools for account of Lathrop, Haskins & Co., thereby practically lending their names to this undertaking, also merit severe condemnation.

lending their names to this undertaking, also merit severe condemnation.

The charge of offensive language which is directed against Mr. Criss consisted in his allegation that fellow members of the exchange were welchers; that they had "laid down on him," and that no gentleman could do business on the board under such conditions. Very seldom has the charge of offensive language been lodged against any member. The most recent case is that of Isidor Wormser, Jr., who was suspended for a year for the use of profane language on the floor of the exchange. The prohibition as stated in the constitution is against indecorous language in any department of the Stock Exchange. Mr. Wormser's offence was committed on the floor of the exchange. The offence alleged against Mr. Criss was committed outside the exchange, so that he will be disciplined, if at all, under the so-called welfare clause of the constitution.

King of Sweden Better. Special Cable Despatch to THE SUN.
STOCKHOLM. Feb. 8.—The condition TO BOOM PORTO RICO.

tained by Gov. Coiton. Special Cable Despatch to THE SUN. SAN JUAN, Feb. 8.-The Porto B Association was formally organized to day. It is composed of the most prominent business men of the island. Gov. Colton addressed the meeting at which the association was He indorsed the movement, and

the purpose of which is to advertise Porto formation, both locally and abroad. Gov. Colton gave a reception in ho

Carnival in Manita Special Cable Despatch to THE SUN.

MANILA, Feb. 8.—The four days carnival

DOCTOR TOLD HER

And Thus Cured a Scalp Disease Like Scald Head - It had Lasted Several Months and Made Most

TROUBLE SOON GONE AND NEVER RETURNED

"When I was ten or twelve years old I had a scalp disease, something like scald head, though it wasn't that. I suffered for several months and most of my hair came out. Finally they had a doctor to see me and he recommended the Cuticura Remedies. They cured me in a few weeks. I have used the Cuticura Remedies, also, for a breaking out on my hands and was benefited a great deal. I haven't had any more trouble with the scalp disease. Miss Jessie F. Buchanan, R. F. D. 3, Hamilton, Ga., Jan. 7, 1909."

BABIES' SKINS

Should Know Only Cuticura Soap-

Pure, Sweet, Economical.

Pure, Sweet, Economical.

Because of its delicate, emellient, sanative, antiseptic properties derived from Cuticura Ointon Cuticura Ointon Cuticura Soaping ereshing of flower odors, Cuticura Soaping and beautifying the skin, scalp, hair and hands of infants and children. In the preventive and curative treatment of torturing, irritations, inflammations and challings, irritations, inflammations and for many other uses which readily suggest themselves to women, especially mothers, Cuticura succeeds when all else falls. Guaranteed absolutely pure and may be used from the hour of birth.

Complete External and Internal Treatment for every fumer of Inflams, Children and Adults con-

Complete External and Internal Treatment for Every Rumor of Infants, Chidren and Adulta consists of Cutticum Soap (25c.) to Cleanse the Skin. Cutticura Cintment (55c.) to Heal the 6km and Cutticura Resolvent (55c.) for in the farm of Checoints Coaled Pils, 25c. per vial of 60) to Purity the Blood. Gold throughout the world. Potter Druf & Chem. Corp., Soie Props., 135 Columbus Ave., Boston, Mass. Complete Coulde to the Best Care of Skin and Section State Coulded to the Best Care of Skin and Section.

BLAMED, FOR HOCKING POOL

He hoped this event would be the beinning of a new political era. He bechanged and that the movement which the prisoners had led had now degenerated the prisoners had led had now degenerated James R. Keene. The orders to buy or into an anarchical plot, aimed alike at the sell were given out by Lathrop, Haskins

SACKVILLE CLAIM ABANDONED.

cial Cable Despatch to THE SUN

bate Court, read a letter from the petitioner in which he said that as the adjournment for the purpose of procuring fresh "although it breaks my heart, to retire from this petition, as I am unable to fight my

Special Cable Despatch to THE SUN. HAVANA, Feb. 8.—Gen. Evaristo Ecnoz, editor of the Freeisian, the negro The court room was crowded with excited negroes, including a number of Representatives in Congress. The Judge or-dered the police to seek Estenoz and when found to lodge him in jail without bail. It is rumored that Estenoz has

BUDGET FIRST. Outcome of Liberal Wrangies as to Policy

Special Cable Despatch to THE SUN.
LONDON, Feb. 9.—The moderates and extremists in the Liberal party have been wrangling during the last few days over

February 10 the Government gives no hint officially of the course it will pursue,

the country.

At Least a Narrow Gauge Line Will Be CONSTANTINOPLE, Feb. 8 .- A narrow Bagdad. The spot is an oasis situated states that he had discovered his error and

Authority in Case of War.

The idea is that in a national emer-It is believed that under certain stipuAll its offices are airy.

The MARBRIDGE Broadway, 34th & 35th Streets.

subscriber was to carry stock in his own

Orders were given out in two ways:

All of the above firms had given the above mentioned at his own discretion under instructions from Lathrop, Haskins & Co.,

Adams & Co. accepted and paid for all the accepted and paid for the first 300 shares, but rejected the remaining 600 shares of

600 shares.
On the orders from Lathrop, Haskins & Co. to Mr. Criss to buy 200 shares each 34 down and give up any of the four above

 Day, Adams & Co.
 3,900 shares

 A. J. Ellas & Co.
 3,300 shares

 Rollins & Co.
 1,600 shares

relation thereto: Day, Adams & Co. received reports by telephone from the exchange of the pur-chase of 800 shares Hocking Coal. The clerk

of Mr. Criss. He was not there; they were again taken to the exchange. Mr. Criss was still away, so the reports were left on Mr. Criss's seat at the Hocking Coal post.

It is claimed that Rollins & Co. reported by telephone to Lathrop, Haskins & Co. STOCKHOLM, Feb. 8.—The cont the purchase of 200 shares at 87% and 200 shares at 88%. The testimony on this oint is conflicting. The written reports siderably improved. New Association Addressed and Ex

clared that the commercial welfare of the island depended on the organizati

of the association at the Government House to-night. prior to Ash Wednesday has been a great success. The close to-night was a brilliant

TO USE CUTICURA

of the Sufferer's Hair Fall Out.